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8 **UNITED STATES DISTRICT COURT**
DISTRICT OF ARIZONA

9 True Names, Ltd. d/b/a Ethereum Name
10 Service, a Singapore corporation, and
Virgil Griffith, an individual

11 Plaintiffs,

12 v.

13 GoDaddy, Inc., a Delaware corporation,
14 and GoDaddy.com LLC, a Delaware
corporation, Dynadot LLC, a California
15 corporation, and Manifold Finance, Inc., a
Delaware corporation.

16 Defendants.
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No.: 2:22-cv-01494-JJT

**DEFENDANTS GODADDY INC.
AND GODADDY.COM, LLC'S
NOTICE OF MOTION AND
MOTION TO DISMISS**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on December 12, 2022, Defendants GoDaddy Inc. and
3 GoDaddy.com, LLC (“GoDaddy”) (collectively, “Defendants”), hereby move this Court for
4 an order dismissing Plaintiffs True Names, Ltd. and Virgil Griffith’s (collectively, “Plaintiffs”) Amended Complaint, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

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6 GoDaddy’s Motion under Rule 12(b)(6) is made on the grounds that Plaintiffs have
7 failed to state a claim for relief. *First*, Plaintiffs’ breach of contract claim must be dismissed
8 because Plaintiffs registered the domain name at issue with Uniregistry, and not Defendants.
9 Moreover, Plaintiffs’ own exhibits attached to the Amended Complaint contradict their
10 allegations supporting any breach of contract claim, and Plaintiffs fail to identify any
11 contractual provision that was breached. *Second*, Plaintiffs’ claim for breach of the implied
12 covenant of good faith and fair dealing also fails because the domain name at issue was
13 registered with Uniregistry, and not Defendants. Moreover, Plaintiffs’ supporting allegations
14 are similarly contradicted by the exhibits attached to the Amended Complaint, and any claim
15 for breach of the implied covenant would directly contradict the terms of the agreement that
16 Plaintiffs allege they entered into when registering the domain name at issue. *Third*, Plaintiffs’
17 claim for intentional interference with prospective economic advantage should be dismissed
18 because it is unsupported by any factual allegations showing that GoDaddy had knowledge of
19 Plaintiffs’ business expectancy, or that GoDaddy took any wrongful acts to interfere with this
20 otherwise unknown business expectancy. *Fourth*, Plaintiffs cannot state a claim for unfair
21 competition because Defendants are not alleged to be competitors, and also because Plaintiffs
22 fail to allege sufficient facts showing that GoDaddy has acted contrary to honest practice in
23 industrial or commercial matters. *Fifth*, and finally, Plaintiffs fail to state a claim for
24 conversion because the domain name at issue was registered with Uniregistry, and not
25 Defendants. Moreover, a domain registration is intangible property that cannot be the subject
26 of a conversion action, and Plaintiffs fail to allege sufficient facts to establish that they had
27 any right to immediate possession of this intangible property at the time of the conversion.
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1 This Motion is based upon this Notice, the attached Memorandum of Points and
2 Authorities, all pleadings and documents concerning this matter contained in the Court's file,
3 any other matters of which this Court may take judicial notice, and such further evidence and
4 oral argument as may be presented at the hearing of this Motion.

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8 Dated: December 12, 2022

COZEN O'CONNOR

Haryle Kaldis (*to be admitted pro hac vice*)

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10 By: s/Haryle Kaldis

Haryle Kaldis

11
12 Attorneys for Defendant

13 GODADDY INC. and GODADDY.COM,
14 LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies, under penalty of perjury under the laws of the State of Arizona that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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SIGNED AND DATED this 12th day of December, 2022 at Philadelphia, Pennsylvania.

COZEN O'CONNOR

By: s/ Haryle Kaldis
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